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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 ELIZABETH SCHMIDT, an individual,

Case No. 2:23-cv-02054 -JAD-VCF

11 Plaintiff,

12 vs.

13 AMAZON.COM SERVICES, LLC, a
14 Foreign Limited Liability Company;
15 INFINLADDER TECH, INC., a Foreign
16 Corporation; DOES 1 through 20; and
ROE CORPORATIONS 1 through 20,
inclusive,

**[PROPOSED] DISCOVERY PLAN
AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

17 Defendants.

18 I. Meeting. Plaintiff Elizabeth Schmidt and Defendant
19 Amazon.com Services LLC (“Amazon”) met for a discovery planning conference as
20 required by Fed. R. Civ. P. 26(f) on November 20, 2023. Defendant Infiniladder
21 Tech, Inc., which has not entered an appearance in this action, did not appear. The
22 conference was attended by:

23 Raleigh C. Thompson for Defendant Amazon.com Services
24 LLC; and Daniel Dastrup for Plaintiff Elizabeth Schmidt.

1 II. Initial Disclosures. The parties made their respective initial
2 disclosures on or before December 4, 2023, as required by Fed. R. Civ. P. 26(1).

3 III. Discovery Plan.

4 a. Discovery Cut-Off Date. As background, Amazon filed
5 its Answer to Plaintiff's Complaint in Nevada state court on September 12, 2023.
6 Plaintiff filed a Request for Exemption from Arbitration on October 6, 2023, which
7 sought to exempt this case from mandatory arbitration in state court, to which
8 Amazon filed an opposition. The state court granted Plaintiff's request on October
9 20, 2023. The parties held a discovery planning conference on November 20, 2023.
10 Amazon filed a Notice of Removal on December 12, 2023. The parties did not
11 submit a discovery plan to the state court or conduct any discovery prior to removal.

12 The parties request a discovery cut-off date of Monday, June 10,
13 2024, which is 180 days from the date of Amazon's Notice of Removal (plus an
14 additional day because the deadline would fall on Sunday). The requested deadline
15 is 272 days from the date Amazon filed its Answer. This period is in excess of the
16 presumptive 180-day period under LR 26-1(b)(1), and is requested by the parties to
17 allow them sufficient time for discovery following removal of this case. The parties
18 had made initial disclosures but not yet begun discovery in state court before
19 removal, and will require the requested time to gather documents from each other
20 and third parties, including medical documentation, conduct written discovery, hire
21 experts, take fact and expert depositions, and otherwise prepare this case for trial.

22 b. Amending the Pleadings and Adding Parties. The parties
23 propose that they shall have until Tuesday, March 12, 2024, to file a[ny] motion[s]
24 to amend the pleadings or to add parties. This is 90 days before the proposed fact

1 discovery cut-off date and does not exceed the outside limit LR 26-1(b)(3)
2 presumptively sets for filing such motions.

3 c. Expert Disclosures. The parties propose the following
4 deadlines for disclosure of experts, in accordance with LR 26-1(b)(3):

5 i. Expert disclosures by Wednesday, April 10, 2024,
6 which is 61 days before the discovery cut-off date;

7 ii. Rebuttal expert disclosures by Friday, May 10,
8 2024, which is 30 days after the initial disclosure of experts.

9 d. Dispositive Motions. The parties propose that they shall
10 have until Wednesday, July 10, 2024 to file dispositive motions, which is 30 days
11 after the completion of discovery as LR 26-1(b)(4) requires.

12 e. Pretrial Order. The parties propose that they shall have
13 until Friday, August 9, 2024 to file the pretrial order, which is 30 days after the
14 dispositive motion deadline as LR 26-1(b)(5) requires.

15 f. Fed. R. Civ. P. 26(a)(3) Disclosures. The disclosures
16 required by Fed. R. Civ. P. 26(a)(3) shall be included in the joint pretrial order.

17 IV. LR 26-1(b) Certifications.

18 a. Alternative Dispute Resolution. The parties certify that
19 they met and conferred about the possibility of using alternative dispute-resolution
20 processes including mediation, arbitration, and early neutral evaluation; however,
21 they are not agreeable to pursuing any of these alternative dispute-resolution
22 processes at this time.

23 b. Alternative Forms of Case Disposition. The parties certify
24 that they considered consenting to trial by a magistrate judge under 28 U.S.C. §

1 636(c) and Fed. R. Civ. P. 70 and use of the Short Trial Program (General Order
2 2013-01); however, they do not consent to trial by a magistrate judge and/or use of
3 the Short Trial Program at this time.

4 V. Electronic Evidence. The parties conferred but did not yet
5 reach any stipulations regarding presentation of electronic evidence at trial. They
6 will continue to assess the need to do so, and will follow the directives of LR 26-
7 1(b)(9) for the presentation of any electronic evidence.

8 VI. Electronic Service. The parties agree to accept electronic
9 service of discovery requests and pursuant to Fed. R. Civ. P. 5(b)(2)(E).

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BOYACK LAW GROUP

17 _____
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22 *Attorneys for Plaintiff*

23 **ORDER**

24 IT IS SO ORDERED.



25 _____
26 UNITED STATES MAGISTRATE JUDGE
27 DATE: 1-5-2024